

UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH DAKOTA

SOUTHERN DIVISION

JEFFREY CHURCH, Plaintiff, vs. STACE NELSON, SENATOR OF THE 19TH DISTRICT OF THE SOUTH DAKOTA SENATE, INDIVIDUAL AND OFFICIAL CAPACITY; Defendant.	4:19-CV-04193-KES ORDER
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TO ALL PARTIES AND COUNSEL OF RECORD:

The parties have indicated their desire to have a settlement conference with the court. This order is to notify you that said settlement conference has been scheduled via video for **Thursday, December 17, 2020, at 10:00 a.m..**

Pursuant to the parties' request for a settlement conference, it is hereby

ORDERED that the attorneys shall discuss and agree upon one of two options for holding the mediation by video. The court offers the meeting software approved by the Administrative Office for official court use, Cisco. Or the parties can agree upon another meeting vehicle such as Zoom. If the parties agree upon a private means of holding the video meeting, they must set the meeting up, notify the court how to join the meeting, and be responsible for technical details. If the parties opt to use the court's Cisco meeting format, the court will set up the meeting, distribute instructions as to how to join and

provide IT support. The parties must notify the court by **December 7, 2020**, how they wish to proceed in regard to these options. It is further

ORDERED that the attorneys who will try the case shall appear by video at the settlement conference. Insurance adjusters and the parties having full authority to evaluate, negotiate, and settle the case on any terms shall also attend by video. Further, any subrogated interests must be contacted prior to the settlement conference and have submitted, in writing, their position on negotiation of their claim. An authorized representative of any and all subrogated interests shall be available, either by video or by telephone, during the settlement conference. It is further

ORDERED that the attorneys shall provide any outstanding disclosures required under F. R. Civ. P. 26 and shall exchange all documents as contemplated by Rule 16 prior to the date on which the settlement conference is scheduled. It is further

ORDERED that by **3:00 p.m. on Monday, December 7, 2020**, each party shall deliver to the undersigned magistrate judge by e-mail a confidential settlement conference statement, which may not be filed with the Clerk of Courts, nor served upon the other party.

The confidential settlement conference statement shall include the following:

1. A brief statement of the facts of the case;
2. A brief statement of the claims and defenses, including a forthright evaluation of the parties' likelihood of prevailing on the claims and defenses, and a description of the major issues in dispute;


3. An estimate of the cost and time to be expended for trial;
4. The relief sought;
5. The party's position on settlement, including present demands and offers and history of past settlement discussions, offers, and demands; and
6. Any other evidence, including depositions or trial exhibits that counsel believe would be useful to the magistrate judge in analyzing the case.

Any failure by the trial attorneys, parties, or persons with authority to settle to attend the conference will result in sanctions to include fees and costs expended by the other party in preparing for and attending the conference. Failure to timely deliver a confidential settlement statement may result in sanctions.

The lawyers shall also advise the court whether their clients will be appearing at the same location as the lawyers so that all video connections may be tested prior to the mediation. Separate instructions for that test will be sent closer to the mediation date.

DATED this 18th day of November, 2020.

BY THE COURT:



VERONICA L. DUFFY
United States Magistrate Judge